

**Remarks/Arguments**

Claims 1-41 and 74-83 are pending in this application.

**INTERVIEW**

Applicants would like to thank the Examiner for the courtesy extended to the undersigned attorney in an interview on July 2, 2008. During that interview, the present amendment and remarks were discussed as putting the application into condition for allowance.

**REGARDING RESPONSE TO ARGUMENTS**

As to claims 31-34 and 36-41, the present amendment to claim 31 was discussed during the interview as putting these claims into condition for allowance.

As to claim 23, the present amendment to base claim 1 was discussed during the interview as putting claim 1 into condition for allowance, and claim 23 is allowable as being based on amended claim 1.

As to claim 28, the present amendment to claim 28 was discussed during the interview as putting claim 28 into condition for allowance.

**CLAIM REJECTIONS UNDER 35 USC 102**

With regard to claims 31-34 and 36-41, claim 31 has been amended and is now allowable over Silverbrook (US Pub. No. 2004/0032526) because Silverbrook does not disclose all of the elements of amended claim 31. Specifically, Silverbrook does not disclose analyzing meta-data information including image acquisition device-specific information including a spectral response curve of a sensor stored as a look-up table of an acquisition device with which the image was acquired. Paragraph [0026] of Silverbrook refers to

“the spectral nature of the flashlight”. As discussed during the interview, the present amendment to claim 31 renders claim 31 to be allowable over Silverbrook et al, and claims 32-34 and 36-41 are allowable as being dependent from amended claim 31.

As discussed during the interview, Claims 74-80 are allowable over Sakamoto (US\$5,990,873) because Sakamoto does not disclose, teach or suggest every element of Applicants’ invention as set forth at any of claims 74-83. The Examiner cited column 4, lines 6-20. However, the signal S does not include information describing conditions under which the image was acquired, as required at each of claims 74-83. Claims 74-83 are also allowable over any combination of Sakamoto, Fellegra and Matama.

#### CLAIM REJECTIONS UNDER 35 USC 103

Claim 35 is allowable as being dependent from amended claim 31, which is allowable for the reasons set forth above, and because no combination of Silverbrook et al. and Matama discloses all of the features of amended claim 31.

With regard to claims 1-30, claim 1 has been amended and is now allowable over any combination of Matama (USP 7,042,501), Silverbrook et al. and Velasquez (US Pub. No. 2003/0161506), because no combination of Matama, Silverbrook et al., and Velasquez teaches or suggests all of the elements of amended claim 1. Specifically, neither Matama nor Velasquez teaches or suggests to analyze meta-data information including color transformation due to spectral response curve of sensor, nor overall CCD size, nor a combination thereof, for determining whether a region is suspected to have red-eye artifact. Claims 2-27 and 29-30 are allowable as being dependent from amended claim 1.

With specific regard to claim 28, neither does any combination of Matama, Silverbrook et al., and Velasquez et al. teach or suggest all of the elements of amended claim 28.

In view of the above, it is respectfully submitted that the application is now in condition for allowance. The Examiner's reconsideration and further examination are respectfully requested.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 50-4399.

Respectfully submitted,

Dated: July 22, 2008

By /Andrew Vernon Smith/

Andrew V. Smith  
Reg. No. 43,132

Andrew V. Smith  
FOTONATION  
3099 Orchard Drive  
San Jose, CA 95134  
Phone: 415-203-2782

Customer No: 72104